

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PHILIP WONG, et al.,

Plaintiffs,

v.

HSBC MORTGAGE CORPORATION (USA),
et al.,

Defendants

No. C-07-2446 MMC

**ORDER DENYING WITHOUT
PREJUDICE DEFENDANTS' MOTION
FOR SANCTIONS; VACATING HEARING**

The Court is in receipt of defendants' "Motion for Rule 11(c) Sanctions," filed April 29, 2008. Having reviewed the motion, the Court finds no opposition is necessary, VACATES the hearing scheduled for June 6, 2008, and rules as follows.

1. To the extent defendants seek a finding that certain material is not privileged and, consequently, discoverable, defendants have not shown they requested such material from plaintiffs and that plaintiffs, in response, claimed the material sought is privileged. Accordingly, the motion is premature. In the event defendants request from plaintiff such discovery and plaintiffs invoke a privilege, defendants may refile this aspect of the motion after defendants have satisfied the meet-and-confer requirements set forth in the Local Civil Rules of this District. See Civil L.R. 37-1. Further, any such motion should be noticed before Magistrate Judge Joseph C. Spero, to whom all discovery disputes have been

1 referred, and in conformity with Magistrate Spero's Notice of Reference filed August 29,
2 2007.

3 2. To the extent defendants seek an award of monetary sanctions in connection
4 with the above-referenced issue, the motion likewise is premature.

5 3. To the extent defendants seek a ruling that the law firm Nichols Kaster &
6 Anderson should be "disqualified as class counsel," (see Defs.' Mot. at 11:16), the motion is
7 premature because said firm has not moved to be appointed as class counsel. The issues
8 presented by defendants in the instant motion may be brought to the Court's attention in
9 the event such counsel, at a later date, moves to be appointed as class counsel.

10 4. To the extent defendants seek a ruling that Philip Wong and Frederic Chaussy
11 should be "disqualified as class representatives," (see id. at 18:10), the motion is premature
12 because neither individual has moved to be appointed as a class representative. The
13 issues presented by defendants by the instant motion may be brought to the Court's
14 attention in the event said individuals, or either of them, move for such appointment.

15 Accordingly, the motion is hereby DENIED without prejudice.

16 **IT IS SO ORDERED.**

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18 Dated: May 1, 2008

19 
MAXINE M. CHESNEY
United States District Judge